

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

990667/RSB

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/403940

INTERNATIONAL APPLICATION NO.
PCT/DE98/01172INTERNATIONAL FILING DATE
28 April 1998PRIORITY DATE CLAIMED
29 April 1997TITLE OF INVENTION: DEVICE FOR DETERMINING FLUCTUATIONS IN END EXPIRATORY GASES, METHOD
FOR DETERMINING FLUCTUATIONS IN RESPIRATORY METABOLISM AND THE USE OF SAID DEVICE

APPLICANT(S) FOR DO/EO/US

Ludwig WILDT; Peter LICHT; Matthias MICHEL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - is transmitted herewith (required only if not transmitted by the International Bureau).
 - has been transmitted by the International Bureau.
 - is not required, as the application was filed in the United States Receiving Office (RO/US).
- A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - are transmitted herewith (required only if not transmitted by the International Bureau).
 - have been transmitted by the International Bureau.
 - have not been made; however, the time limit for making such amendments has NOT expired.
 - have not been made and will not be made.
- A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

- An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- A FIRST preliminary amendment.
- A SECOND or SUBSEQUENT preliminary amendment.
- A substitute specification.
- A change of power of attorney and/or address letter.
- Other items or information (copies of the following):
 - (i) Form PCT/IB/308 dated Nov. 5, 1998
 - (ii) WO 98/49536
 - (iii) Form PCT/ISA/210, Int. Search Report
(and English-language translation thereof)
 - (iv) Drawings, 2 sheets, Figs. 1 to 2
 - (v) International Preliminary Examination Report, Form PCT/IPEA/409
(and English-language translation thereof)
 - (vi) Article 19 claims (in German)

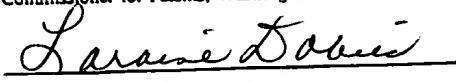
Express Mail Mailing Label No.:

EL 173 831 687 US

Date of Deposit:

October 29, 1999

I hereby certify that this paper and any papers identified herein
is being deposited with the United States Postal Service "Express
Mail Post Office to Addressee" service under 37 CFR 1.10 on the
date indicated above and is addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231


 Laraine Dobies

APPLICATION NO. 09/7403940

INTERNATIONAL APPLICATION NO.
PCT/DE98/01172ATTORNEY'S DOCKET NUMBER
990667/RSB

17. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Search Report has been prepared by the EPO or IPO \$840.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) \$670.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00Neither international preliminary examination fee (37 CFR 1.482) nor
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$970.00International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	11 - 20 =	0	\$ 18.00	\$ --
Independent claims	2 - 3 =	0	\$ 78.00	\$ --
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 260.00	\$ --
TOTAL OF ABOVE CALCULATIONS =				\$ 840.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

TOTAL FEES ENCLOSED =

\$ 840.00

Amount to be: refunded	\$
charged	\$

- a. A check in the amount of \$ 840.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1378. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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SIGNATURE
Richard S. Barth

NAME
28,180

REGISTRATION NUMBER

acc: October 29, 1999